

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Pavel LAZAREV, et al.

Serial No.: 10/043,989

For: DEVICE AND METHOD FOR
FORMING ANISOTROPIC FILMS

SUPPLEMENTAL DECLARATION OF
ALLA SAKHAROVA

Attn: Licensing and Review
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Alla Sakharova declares as follows:

- 1) She is the intellectual portfolio manager for Optiva, Inc., Assignee of the above-entitled Russian application.
- (2) She has read the Decision on Request under 37 CFR 5.25 dated March 24, 2003.
- (3) The application that was filed in Russia was prepared by a Russian patent agent in the Russian language and reviewed by the inventors. Upon approval of the draft the Russian patent agent proceeded to file the application in Russia, being unaware of the U.S. license requirement.
- (4) In May 2002 I learned that a foreign filing license might be required for inventions made in the U.S. and filed abroad.
- (5) I confirmed this and on May 23, 2002 contacted our U.S. patent attorneys. The attorneys then obtained the relevant documents and investigated the facts for a large number of applications of which this is merely one with documents located both in the U.S. and Russia. Some time expired between the commencement of the effort to investigate and obtain foreign filing licenses and the date on which the petitions were filed.
- (6) In this application it was not clear from the facts whether Pavel Lazarev had made the invention while in Russia or had made the invention while in the U.S. collaborating with his joint inventor.

(7) In view of the foregoing I instructed our U.S. attorney to prepare the necessary paperwork to seek a retroactive license under 37 CFR 5.25.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States code, and that such willful false statements may jeopardize the validity of the above-identified patent.

Date: April 15, 2003

Signature: Alla Sakharova
Alla Sakharova, Ph.D.

Title: IP Portfolio Manager
with Optivo, Inc.